

1860-007 Chancery Causes. Cdn. of Stephen B. F. Habern & by vs. Stephen B. F. Habern & Lee Co.

Jones, Haburn, Barron

CA-Estate Dispute
T-Property

To The Honorable Samuel V. Fulkerson
Judge of the Circuit Court of Lee County

The bill of complaint of William
A Jones guardian of Stephen B F Haburn and
Malissa C Haburn his wards and infant heirs at
law of Andrew J Haburn Deed respectfully
represents that about the day of 18
Andrew J Haburn the father of the said infants
departed this life in said county intestate from
whom certain real estate situated in said county
(~~descended from the estate of his father Stephen Jones~~
^{descended from the estate of his father-in-law Stephen Jones died by private sale & paid for out of}
descended to his widow and children his heirs at
law who obtained partition of said lands, and in
said division of said lands there was allotted to
your orators said infant wards the following
parcels of land to-wit one seventh of fifty acres of land
purchased from Solomon Collier in one parcel also
six acres and thirty poles in another parcel Also
one seventh of one twelfth in Mary Jones dower in
another parcel ^{to be possessed at her death - she being the widow of S Jones deceased} Also one seventh of one twelfth in
Mary Jones dower in another parcel ^{to be possessed as aforesaid} Also ten acres
purchased by Andrew J Haburn ^{and paid for with the means of S Jones estate} from Ransom Russell
in another parcel. Your orator would further state
that his wife Nauasha Ann Jones who was the widow
of said Andrew J Haburn is entitled to dower in
the above parcels of land, for a more particular descrip-
-tion of which said several parcels of land your orator
refers to a written description thereof which is
herewith filed as part of this bill marked (A)
These small parcels of land are entirely disconnected
and without lumber necessary to fence them so that
they can not be made productive or valuable for farming
operations, and the interest of the sum that they
will sell for will amount to four times as much as
the rents of the lands after deducting expense of keeping up
fencing &c. The persons who own the lands that these

Small parcels you are anxious to purchase them and will give very fair prices for them and it is believed that the shares of your orators said wards in said lands will sell for \$200.00 each and the said Manasha Ann Jones who as aforesaid is entitled to dower in said parcels of land is willing and anxious that her interest be sold in connection with the said interests of her said two children as it is entirely unproductive to her and the said parcels will command a better price by selling all the interests therein together. The said Stephen B F Habern is about 9 years of age and the said Malissa le Habern is about 7 years of age and the personal estate to which your orators said wards are entitled is believed to be worth about \$150.00 each Your orator would further state that the said Manasha Ann Jones the mother of your orators said wards who is entitled to dower in said lands ~~and~~

~~who~~ would be the heirs at law of your orators said infant wards to inherit said property at their death. Your orator knows that the interest of his said wards will be greatly promoted by making sale of their interests in said property and placing the proceeds among themselves and at interest for their benefit and your orator being without an adequate remedy at common law for the purpose and relievable only in a court of equity his prayer therefore is that the said Stephen B F Habern Malissa le Habern Manasha Ann Jones

be made parties Defts to this bill and be required to make full true and perfect answer thereto on oath that a guardian ad litem be appointed to answer for said infant Defendants that upon a final hearing of the cause a decree be rendered by your Honor appointing a commissioner to sell of said undivided interests of said infants in property together with the interest of said Manasha Ann Jones therein upon such terms as your Honor may deem best for promoting the interests of said infants and moreover directing in said decree or a subsequent one what portion of the proceeds of said sale shall be paid to Deft Manasha Ann Jones for her dower interest in said lands and directing how the shares of said infant wards of said proceeds of said sale shall be disposed of by your orator for the advancement of their pecuniary interests, and that such other and further relief be extended by your Honor to your orator in the premises as to justice and equity belongs and is suited to his case May it please your Honor to grant the Commlt this writ of Spm Decree &c

H S & D R Kemmer

Lee County Court

This day William A Jones personally came before me the undersigned a justice of said County and made oath that the allegations contained in the foregoing bill are true so far as they depend upon his own knowledge and that so far as they depend upon the information derived from others he believes them to be true Given under my hand this 17th day of August 1858

John Riddle JP

vs } Bill

filed August 17th 1858

B. J. W. Hamblen & Co.

Sept Rules '88, ordered that John M.
Stallard be appointed guardian ad
litem for infant Defendants
Guardian ad litem H. J. Morgan, 1888
Answer filed Oct Rules 1888

B. 210. Hamblen 664

Depositions William A. Jones vs. Hibernia
filed Oct. 7 Niles. 1856.

B M Hamblen Elk

Set Court, Set for hearing by Plaintiff's Co

St. John's, N. B. Dec 10th 1861

1837
Jan. 1 by March. 9th
Continued

May 1839

Pierre Monté.

May 1860

Diary & contd

Cost. 2000

Died at 11 m. A. G. Haverhill. Nov. 18. 1870
 The within case Nov 10th 1870
 Died at 11 m. A. G. Haverhill. Nov. 18. 1870
 The within case Nov 10th 1870
 Died at 11 m. A. G. Haverhill. Nov. 18. 1870
 The within case Nov 10th 1870

Note of Wm W. L. Barnes \$16.81 cent. in full of
 my fees in this case against the City of New
 York
 1860
 R. W. Hamilton Clerk

© 6,441

© 4 6,81

a 150 00

5. 1.50

23.31

Is ad Titum . . . 5 00

2831

To the Honorable Samuel V. Fulkerson Judge of
the circuit court for Lee county.

The answer of Stephen B. F. Habourn & Malissa C. Habourn
infant heirs of A. F. Habourn ^{deceased} by John W. Stallard
their guardian ad litem to a bill exhibited against
them in the circuit court of Lee County by Wm. A. Jones
their guardian. For answer to said bill say that they
are infants of too tender years to know anything about
the facts or statements in said bill & your respondents are
informed that a court of equity is to protect the rights
& interests of infants & see that no injustice is done to them.
Your respondents by their guardian ad litem admit from
the deposition of Wm. A. L. Barron filed in the cause who
proves that the several portions of land that your respondents
have an interest in lie in different places & very
much disconnected & would be better to have their interest
sold. that the money accruing from the sales loaned at
interest would be more advantageous to your respondents
than the land & the rents & profits, It might be for the
best for your Honor to decree a sale of all their interests
in the several parcels of land mentioned in said bill
& the money loaned by their guardian at ^{discretion of your Honor} interest under the
Your respondents ^{therefore} submit all their rights & interest
in the premises to the protection of your Honor &
prays ^{to recover their} ~~to be discharged~~ with their costs

~~Therefor~~

I Wm. Stallard answer as
guardian ad litem for

S. B. F. & M. C. Habourn
infant heirs of A. F. Habourn ^{deceased}

Fee for filing this answer \$5.00

Sworn to 22 day of Sept 1858

R. M. Hamblen clerk

The answer of S. B. J. & M.
to the bill of Mrs. Stollow
their guardian ad litem

~~The~~ ~~3~~ A. B. J. & M.
Mrs. A. Jones Guardian ad litem

Answer filed Oct. 1838
Wm. H. H. H. H.

Wm A Jones Guardian &c

vs

Stephen B D. Haburn & others

} In chq

This cause came on again to be heard this 10th day of October 1860 upon the papers formerly read in this case and the Report of Comr Wm N. G. Barron; And it is no exceptions having been taken to said report the same is hereby affirmed: And it appearing to the court from said Report that said Barron had collected and paid over to the proper persons entitled thereto the whole of the money arising from the sale of the lands sold by him under a former decree in this case, It moreover appearing to the court from said report that said Commissioner that he had conveyed to the purchasers the whole of the lands thus sold by him. To ~~the purchasers thereof~~. It is therefore considered by the court that the object of this suit having been fully accomplished that the same be ordered to be stricken from the court docket

Wm A. Jones

vs { Deceit

S B T. Haburn & Co

Oct 1860

Entered

Enter This
S. V. L.

Wm. A. Jones Guardian of

vs

Stephen B. F. Haburn & others

In chancery

This cause came on again to be heard this 9th day of May 1860, and it appearing to the court from the report of P. Hagan who was made a comr by a former order of this court for that purpose that Manasha Ann Jones, who was formerly the H. l. w. of Andrew J. Haburn Decd is entitled to \$171.71 with interest from the 1st day of April 1859 as her dower in the lands heretofore sold by comr Wm. V. Barron under a former decree in this case. It is therefore ordered and decreed that said Barron pay over to the said Manasha Ann Jones & Wm. A. Jones the said sum of \$171.71 with interest thereon from the 1st day of April 1859 and the remainder of the proceeds of ^{the} sale of the lands sold by him ^{according said decree} to pay over to Wm. A. Jones the Guardian of Stephen B. F. Haburn & Malipa C. Haburn, infant children of Andrew J. Haburn Decd ^{which collected by him} by first retaining out of said fund in his hands a sufficient sum of money to pay the whole costs of this suit and the coms to said Barron for his services in collecting & paying over said sum of money. It is further ordered and decreed that said Barron convey with special warranty the lands heretofore sold by him to the purchasers when ever the whole of the purchase money be paid up by them, and make report thereof to the next term of this court, to which time this case is continued.

Wm A Jones Guardian^{of}
vs { Deceit

J B F Katum Voths

May Term 160

Order This
S. V. L.

Wm A Jones Guardian &c
vs

Stephen B F Haberm & cts

} In chy

This cause came on again to be heard this 10th day of May 1839 And it appearing to the Court from the report of Wm A S Barron who was heretofore appointed a commissioner by a former decree in this case to make sale of the lands in the bill & proceedings mentioned that in obedience of said decree said Comr had made sale of the land in the bill & proceedings mentioned. The Widows dower being included therein at the price of \$625.00 upon a credit of Six & twelve months with interest thereon from the date of said sale, ^{all of which appears by the report of said comr} - It is therefore considered by the Court that the report of said Commissioner be affirmed & that he proceed to collect said sum of money when due, and report the same to the next term of this Court to which time this case is continued - But before said comr. is authorized to collect said money he is required to execute bond with sureties in the penalty of \$1250 - with conditions to pay over and account for as the Court may direct, all sums received by him under this decree

- It is further ordered that P. Hazen - he and he is appointed a comr. to ascertain the present value of the widow's dower interest in said \$625, and report to the next term of this Court.

Wm A Jones Guardian⁴⁶
vs { Deceit

Stephen B F Habun Votts
May term 1859

Entered on Pg. 389

Enter this
S. V. F.

Wm A Jones Guardian of the

vs

Stephen B F Habern & others

San Antonio

This cause came on to be heard
this 13th day of October 1858 upon the Complaint
filed, the answer of Stephen B F Habern &
Malissa C Habern by J W Stalder their
guardian ^{ad litem} the depositions of witnesses
was argued by counsel; and it appearing to
the Court that the Sp in this case had
been duly served by the Sheriff of San Antonio
on Malissa C Habern for more than
two months before the present time as the
and she still failing to appear and answer
said bill, the same is taken as confessed as to
her & It is therefore adjudged ordered and
decree that Wm. A. Jones be and he is hereby
appointed a Commissioner to ^{Sell on the premises} ~~sell~~ the
land ^{and the interests of said infant child in} ~~and the interests of said infant child in~~
the claim ^{including the principal, interest} ~~in the claim~~ ^{after first}
having given 30 days notice of the time & place
of sale by putting up an advertisement in daily
press & served of same at the Court House
door of San Antonio & such other public places
as will most likely promote the interest of said
children and that said Commissioner proceed
to sell ^{notwithstanding that said} to the highest bidder upon a credit of
six & twelve months with interest from the date
of said sale the various parcels of land in Complaint
of & proceedings ^{or purchasing} ~~all~~ ^{all} ~~mentioned~~ ^{mentioned} taking from the same ^{made payable to himself} ~~and~~ ^{and}
approved security on a six & twelve months credit
with interest from the date of sale as aforesaid
and that he make report of the same to the
next term of this Court to which in this
cause is continued

& And it appearing that the interests of the
said wards will be promoted by a sale of
these lands & that the rights of no one

will be isolated thereby & the widow
being willing to take a sum in gold
in lieu of her share in said land
and that the whole may be sold
together -

Wm A Jones

vs Decree

S B F Haburn & Co

The Depositions of Wm N G Barron Esq
taken at Lee Count House this 20th day of Sept
1858 to be read as evidence on behalf of Wm A
Jones Guardian of Stephen B F Habern & Otho
in a Suit in chy now pending in the
Circuit Court of Lee County Va wherein
the said Wm A Jones Guardian He is Compt
& Stephen B F Habern & Malissa Habern
his wards & Otho are Defs.

Wm N G Barron a witness of lawful
age after being duly sworn deposes & saith
that I was one of the commission made partition
of the land to which Stephen B F Habern &
Malissa Habern iffant of Andrew J Habern De
was entitled to 7450 aces tract which was
purchased of Solomon Collier which ~~acres~~
part was rated at one hundred dollars
also 6 acres and 13 poles which ~~up~~ Jonathan J
Jones & of his interest rated at \$40-00 per
acre also $\frac{1}{4}$ of $\frac{1}{12}$ of Jonathan J Jones
interest in Mary Jones dower rated at
\$100-00 also $\frac{1}{4}$ of $\frac{1}{12}$ of Ransom Russell
interest in Mary Jones dower rated at
\$100-00 also $\frac{1}{4}$ of Ransom Russell interest
which was 10 acres rated at \$23-00 per acre
all of which parcel of Land is not connect
together own ~~to~~ their disconnection and
not having no timber for fencing and they
are laying in the body of other mens lands
and have no water on them taken all those
circumstances Together I would think it
would be better to sell the land appropri-
ate the money in some other way which
would be to the interest of the children

considerably more than the rents
of those lands Manashan Haben the
widow of J. T. Haben Dec who has lately
married J. M. Jones is entitled to dower
in the above described lands which
I would consider one third of its
valuation as described I think the
land described would bring a fair
price if sold under a decree of the
court on further this deponent doubts
not

J. M. N. G. Barron

Virginia Lee County Court

I William Marshall an acting justice
of the peace in and for said county do
hereby certify that the foregoing depositions
of Wm. N. G. Barron was duly taken
Sworn to & subscribed by said witness
at the time & place mentioned in
the caption - And I moreover certify
that said Deposition was taken in the
presence of John W. Stallard the guardian
& attorney for Stephen B. T. Haben &
Malissa Haben. Given under my
hand this 20th day of Sept 1858
William Marshall

Justice engaged 1 hour 0.75^{cts}
William Marshall

Wm A Jones Guardian ^{of}
vs E Depo
3.

Stephen B F Haberm He

Recd of Wm Marshall
Justice before whom
taken and filed 20th day of
Sept 1838

R. W. Hamblet clk

William A Jones Guardian &c
vs

In chy

Stephen B F Haburn & the

Pursuant to a decree of the circuit court of Lee County rendered at the May term of said court 1860. The undersigned who was appointed a commissioner for that purpose has collected the whole of the purchase money for the lands theretofore sold by him under a former decree in this case & which has heretofore been reported in this case by him; and out of the proceeds of the sale thereof he did on the 21st day of June 1860 pay over to the said Wm A Jones & Manassa Ann his Wife the sum of \$184.15 It being the said amount as due to the said Manassa Ann Jones as her dower interest in said lands - and the remainder thereof being the sum of \$435.27 after deducting therefrom the sum of \$50.71 for the costs of said suit which sum your commissioner has paid to the ^{persons} ~~persons~~ who were entitled to the same he has also paid over to Wm A Jones the Guardian of Stephen B F Haburn & Malipa C Haburn infant children of Andrew J Haburn ~~Deed~~ who were entitled to the same as appears ^{by} ~~from~~ a former decree in this case; Your Commr has also conveyed the lands heretofore sold by him under a former decree in this case to James F Jones & Geo Riddle ~~the~~ the purchasers thereof. All of which is respectfully submitted

Wm N G Barrow Comr

Wm N G Barron

Report
Oct 1860

William A Jones Guardian &c }
 against } In ch
 S. B. Habern & others }

To the Circuit Court of Lee County Virginia
 I the undersigned Commissioner appointed by this
 Court at the May term thereof 1858 for the
 purpose of ascertaining the present value
 of the dower interest of Manasha Ann Jones
 formerly widow of Andrew T Habern dec'd in
 the tract of land sold by Court Wm A J Borron
 on the 1st of April 1858 for the sum of \$625.

Be it remembered that I have ascertained her
 dower interest to be worth on the 1st day of
 April 1859 the sum of \$11.71

In obtaining this result I first ascertained the age of said widow to be on the 1st of April 1859, 31 years which by the Table of Expectation of life found in 2nd Rob R makes her expectation of life to be 29.84 years. I then ascertained the legal interest on \$208.33 1/3. This being the one-third of the said sum of \$625. to be \$12.50. I then ascertained the present value of annuity of \$1. for the said space of 29.84 years and multiplied this sum by \$12.50 which gave the above result.

Respectfully Submitted

Patrick Hagan commr

Wm A Jones Guadalupe

no { Rep of Lower Ind

S. B. F. Hoburn & Co

Wm A Jones Guardian

{ In chy

Stephen B F Haburn & Co

}

Pursuant to a decree of the Circuit Court of Lee County made the 13th day of Oct 1858 in the above case. The undersigned who was appointed a Commissioner under said ^{for that purpose} decree, after first having given 30 days notice of the time & place of sale, by putting advertisements in Writing for that space of time at Lee Court House, Jonathan Richmond Stone House &c, in said County, did on the 1st day of April 1859 Offer for Sale ^{upon the premises} to the highest bidder, on a credit of six & twelve months bearing Interest from the date of sale, the various parcels of land &c as laid off & the undivided interests as mentioned in said decree & proceedings and John Reddick became the purchaser ^{at said sale} of the given & 80 pole lot at the price of \$200.00, and Jas F. Jones became the purchaser of the residue of the land and undivided interest of land in the said decree & proceedings mentioned at the price of \$425.00 there being no other person willing to give any greater sum than the ^{for said lands} above, and the said Reddick & Jones thereupon executed their notes ^{with approved security} to the undersigned Comr. for the aforesaid sums of money payable in six & twelve months bearing interest from the date of said sale. All of which is respectfully submitted &c

Wm N. G. Barron Comr

Wm N G Barron¹ comr
To $\frac{1}{3}$ Report

A Statement of the four acres & 6 of Certain parcels
of land laid off & allotted to Stephen B F Habern
& Malissa C Habern Infant heirs at law of Andrew
T Habern Deed as laid off by Commissioners
under an order of the County Court of
Lee County - as follows to wit - One lot or
parcel of nine acres & a half of land in the tract
that was drawn in the name of Ransom Russell - bounded
as follows - Beginning on a stake in mud hole in a
line of Mary Jones dower S 48 W 57 poles to a stake
in a line of Wyeths Heirs land, S 50 E 16 poles
to a stake in a line of Mary Jones dower
& with said line N 70 E 60 poles to a stake or
rock corner to D dower & with a line of the
same N 43 W 39 poles to the beginning -

Also 6 acres & 13 poles out of the lot drawn
by Jonathan T Jones - Bounded as follows

Beginning at a stake or mulberry post North
West of Wm Coopers corner Thence N 43 E 21
poles to a mulberry post corner to Mary Jones
lot - Thence with gas T Jones Wm P Jones & Mary
Jones line N 30 W 49 poles to a locust post on a
line of Wyeths Heirs S 42 W 20 poles with Wyeths
Heirs line to a mulberry post corner to Jackson
M Jones line - & with the line of the same S 29 E
48 poles to the beginning

Also the following undivided parcels
of land laid off ~~as follows to said Ransom Russell~~

To wit - the seventh of 50 acres of land lying on the
N side of Wallins Ridge & purchased of Sol Collins
by ^{a portion of} S Jones heirs - Also $\frac{1}{7}$ of $\frac{1}{12}$ of Mary Jones dower
it being Jonathan T Jones interest in Mary Jones dower
^{and said heirs are entitled to said $\frac{1}{7}$ of the $\frac{1}{12}$ as of course}
Also $\frac{1}{7}$ of $\frac{1}{12}$ of Mary Jones dower it being
Ransom Russells interest in said dower. said heirs
being entitled to $\frac{1}{7}$ of said $\frac{1}{12}$ of said dower

Description of land

Eschscholtz (A)

sea ling in the same manner as Parson
was turned over said Piatt to have
practice.

Piatt

He said released his cousin
against, Elcup for my time
that he was to be in his mind

Piatt is a Gave 3 years in a
the Hoj. Harn tot, & to
the first of the sand and
the

In witness whereof
in the hands of

Henry C.

D. F. H.

and Det Stia to the lot
on the 1st March of the late of the
that the said 46 Slump this day
the said Stia (1757) acres of land
and is to turn it over with all
pertinances as follows, viz. He gives the
Stia privilege of reading some if he chooses
Ben & him into ^{now} and gives him full
on of both lots on the 1st March 1871.
the old Staburn houses and the lot
them, and James Cumagins lease
contract is assigned over to said Stia
turns over his tenant John Parsons
is to give him houses in which he now
and the stable
or 1 year from 1st March 1871. He is also
to take about 20 acres of wheat & he has
the maise lot then Stia is to
all partners in dressing &c, and Stia
that all the wheat raised, the said
is to cultivate the Thomas Staburn lot
him and is to give 2/3 of what he raises
to other heirs who have interest are satisfied for
rent out of the crop equally -
the said Slump and himself to turn over to
Stia full possession of the said
pertinances on the 1st March 1872.
gives Stia full possession of the interest
in spring & spring lot and the house & in
located now lives and the hog pen and
house on 1st March 1870 including all
rights & appertinances not excepted
is to have firewood & water off the
said Slump turns over Cumagins

Consideration of the sum of
hundred \$3700.00 - Dollars in hand
and secured to be paid, the receipt
hereby acknowledged; the said Perry C.
and Malissa his wife, do grant, bargain,
sell unto the said John A. Smith, certain
tracts or parcels of Land, lying and being in
said County of Lee, in the Turkey Cove, and
being parts of the tract of Land of Benj. F. Hall
parts the said A. C. Blount has for
the said Benj. F. Hall and his wife, etc.

following the
at a stake
corner to lot
180 poles to a Beech and as pointed
166 125 poles to a stake of Hallens
thence with the top of a large Oak N 53 E 20
to a stake corner to the land that was sold
to George H. Tabern, and with lines thereof N 14
126 poles to a Rock, Six steps below a large pop
N 35 W 160 poles to a Stake in the wagon Road,
thence southerly with the meandering of said River
supposed to be 27 poles to a stake in original line
and with the same S 60 W supposed to 35 poles to the
beginning; Containing 50 acres more or less.

Begin at 2 sugar trees near down corner of Spring
p 349, E 148, to Rocks 6 stabs below a large
proctor, 8 12 E 114 to stake on top of Waller's Ridge.

From

James W.

4.35

only
for the community and state of Oregon
from

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Stephen B. Haburn and Malissa*
Haburn his wards and heirs at law of Andrew
J. Haburn deceased. and Manasha and Jones
and Manasha and Jones.

to appear before the Judge of the Circuit Court for Lee County, at the Court House, in the Clerk's Office, at Rules
to be held on the first Monday in ~~August next~~ to answer *William*
A Jones Guardian &c in a bill in Chancery exhibited
in our said said Court against them by William A Jones
Guardian &c

And have then there this writ. Witness, RICHARD M. HAMBLIN, Clerk of our said Court, at the Court House,
this *19th* day of *July* 185*8*, in the *83rd* year of the Commonwealth.

R. M. Hamblin C.C.C.

^{Kans}
Wm A Jones Esq

W^h S^h in chancery

Stephen B. F. Haburn

Malissa C. Haburn

August Rules 1858

See entry on Stephen

B. F. Haburn & Malissa

C. Haburn & Mary Haburn

29th 1858

J. R. Rapier D.